



Paper No. 50

**UNITED STATES DEPARTMENT OF COMMERCE**

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**PAT. & T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Applicants: Gregory et al.  
Application No.: 08/087,132  
Filed: 07/02/93  
For: NEW DIAGNOSTIC AND TREATMENT  
METHODS INVOLVING THE CYSTIC  
FIBROSIS TRANSMEMBRANE REGULATOR  
Accorded Benefit of: Application  
Nos. 07/613,592, filed 11/15/90,  
now abandoned; 07/589,295, filed  
09/27/90, now abandoned; and  
07/488,307, filed 03/05/90, now  
abandoned

This case referred to above has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interference with other cases hereafter specified. Attention is directed to the fact that this interference is declared pursuant to 37 CFR 1.601 et seq., effective February 11, 1985 (49 Fed. Reg. 48,416 (1984); 1050 Off. Gaz. Pat. & Trademark Office 385 (Jan. 29, 1985)), and amendments effective April 21, 1995. See Notice of Final Rule, 60 Fed. Reg. 14,488 (1995), reprinted in 1173 Off. Gaz. Pat. & Trademark Office 36 (Apr. 11, 1995). A clean copy of the interference rules, as amended, appears at 1173 Off. Gaz. Pat. & Trademark Office 384 (Apr. 18, 1995). The interference is designated as No. 103,933.

By direction of the Commissioner of Patents and Trademarks and as required by 35 U.S.C. § 135(c), notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference."

The cases involved in this interference are:

Junior Party

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Serial No.: 08/087,132, filed 07/02/93

For: NEW DIAGNOSTIC AND TREATMENT METHODS  
INVOLVING THE CYSTIC FIBROSIS  
TRANSMEMBRANE REGULATOR

Assignee: None

Attorney: Mark A. Hofer, Rochelle K. Seide, Esq.,  
and Elizabeth Lessen, Esq.

Accorded benefit: Application Nos. 07/613,592, filed  
11/15/90, now abandoned; 07/589,295,  
filed 09/27/90, now abandoned; and  
07/488,307, filed 03/05/90, now  
abandoned

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Serial No.:

07/584,275, filed 09/18/90, now U.S.  
Patent No. 5,240,846, granted 08/31/93

For:

GENE THERAPY VECTOR FOR CYSTIC FIBROSIS

Assignee:

The Regents of the University of Mich.,  
Ann Arbor, Mic.

Attorney:

Anna M. Lewak

Accorded benefit:

Application No. 07/401,609, filed  
08/31/89, now abandoned; 07/399,945,  
filed 08/24/89, now abandoned; and  
07/396,894, filed 08/22/89, now  
abandoned

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Count 1

A recombinant vector for a target cell, the vector  
comprising:

- a) a DNA regulatory element, and
- b) a DNA sequence which encodes the cystic fibrosis  
transmembrane regulator protein, said DNA sequence  
operably linked to the DNA regulatory element and  
capable when so linked of expression in the target cell  
*in vitro* or *in vivo*.

The claims of the parties which correspond to this count are:

Gregory et al. : Claims 226 and 227

Collins et al: : Claims 1-16



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